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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/741,207
Filing Date: December 19, 2000
Appellant(s): BARBER, TIMOTHY P.

James A. Retter
(Reg. No. 41, 266)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 28, 2005 appealing from the Office
action mailed June 16, 2005

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzuma (US 5,771,289) in view of Kuzma (US 5,771,289) in view of Messner (US 6,370,514)

1. Kuzma discloses, a method of providing for a money transfer over a network (see Kuzma, col. 1, 11. 15-35), comprising the steps of,

a) providing a stamp having a face value indicated on the stamp (see Kuzma, col. 2, 11.66 to col. 3, 11. 16), the stamp being a string that is a concatenation of two or more fields including the face value (see Kuzma, figs. 4a-d, col. 5, 11.47+', and col. 6, 11.37-40), with at least one of the fields calculated according to a prescription involving a hashing or encryption of a concatenation of others of the fields or of some other field not part of the stamp (see col. 4, 11.21-26) b) affixing the stamp an e-mail(see Kuzma, col. 2, 11.66 to col. 3, 11. 16., col. 3, 11.63 to col. 4, 11.4);

Kuzma fails, as in claims 1-8, to disclose allowing the recipient of the e-mail obtain value for the stamp if the stamp is presented to a predetermined entity the stamp value within the lifespan indicated on the stamp.

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Messner discloses a voucher that e can be delivered over the internet via email (see Messner,

Abstract; col. 2, 11.61 to col. 4, 11. 60). It would have been obvious for an artisan of ordinary skill in the art to substitute the voucher feature of Messner for the stamp feature of Kuzma because an artisan would have found the voucher and the stamp art recognized equivalents to make payments for electronic goods and or services. An artisan would have also recognized the fact that a "voucher" may provide a period of time (lifespan) through which the voucher is valid.

Thus an artisan of ordinm'y skill in the m-t would have been familial" with terms displayed on vouchers such as "Good until... (date)" and/or "Not Valid after 60 days" As indicators of lifespan of the voucher and thus have sought to use the dates as indicators of how long the voucher was good for to create a sense of urgency in opening the email. Moreover, in behavioral science,

"Conditioned Reflex" the process whereby dogs or humans learn to connect a stimulus to a reflex is called conditioning. Similarly, an artisan at the time of the invention of Kuzma would have been familiar with concept of Conditioned Reflex and have been motivated to integrate the aforementioned features) of Messer into Kuzma to get a higher response.

2. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzma as modified by Messner as applied to claim 1 above, and further in view of Sundsted (US 5,999,967).

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Re claim 2:

Kuzma as modified by Messner and in further view of Sundsted disclose the stamp is a concatenation set of fields, the set comprising, a) an issue time; a lifespan, c) a stamp value; and

d) a first-hashed field that is a hash of a concatenation of the preceding fields and, in addition a secret constant known only to the stamp issuer (see Sundsted figs. 4 and 5, col.6, 11.65 to col. 7, 11.40., col. 9, 11.61 to col. 10, 11.20).

Re claim 3:

Kuzma as modified by Messner and in further view of Sundsted discloses wherein the first-hashed field is predetermined truncation of the output of the hash of the concatenation of all of the preceding fields and, in addition a secret constant known only the stamp issuer see Sundsted figs. 4 and 5, col.6, 11.65 to col. 7, 11.40-, col. 9, 11.61 to col. 10, 11.20).

Re claim 4:

Kuzma as modified by Messner and in further view of Sundsted discloses wherein the set of fields of which the stamp concatenation further comprises second-hashed field that is a hash of the issue time field, the lifespan field, the stamp value field, and the first-hashed field. (see Sundsted

figs. 4 and 5, col.6, 11.65 to col. 7, 11.40', col. 9, 11.61 to col. 10, 11.20).

Re claim 5:

Kuzma in view of Sundsted disclose wherein the second-hashed field is a

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predetermined truncation of the output of the hash of the issue time field, the lifespan field, the stamp value field, and the first-hashed field (see Sundsted figs. 4 and 5, col. 6, 11.65 to col. 7, 11.40, col. 9, 11.61 to col. 10, 11.20).

Re claim 6:

Kuzma in view of Sundsted discloses wherein the set of fields of which the stamp concatenation further comprises a digital signature field that is a digitally signed encryption of the issue time field, the first-hashed field and the second-hashed field, wherein the encryption is performed using a private key of the stamp issuer (see Sundsted figs. 4 and 5, col. 6, 11.65 to col. 7, 11.40, col. 9, 11.61 to col. 10, 11.20).

Re claim 7:

Kuzma in view of Sundsted disclose wherein the set of fields of which the stamp is a concatenation further comprises a digital signature field that is a pre-determined truncation of the issue time field, the first-hashed field, the second-hashed field, and a secret constant, known only to the stamp issuer and other qualified parties (see Sundsted figs. 4 and 5, col. 6, 11.65 to col. 7, 11.40, col. 9, 11.61 to col. 10, 11.20).

field, the lifespan field, the stamp value field, and the first-hashed field. (see Sundsted figs. 4 and 5, col. 6, 11.65 to col. 7, 11.40, col. 9, 11.61 to col. 10, 11.20).

Re claim 8:

Wherein the predetermined entity is the stamp issuer (see Sundsted figs. 4 and 5, col. 6, 11.65 to col. 7, 11.40, col. 9, 11.61 to col. 10, 11.20).

(10) Response to Argument

The applicant argues that the Office focuses too much on the use of the word “stamp” in the invention as in the claims and asserts that the applicant can be a lexicographer and provide in the meaning for a term that is different from the ordinary meaning for the term that is different from the accepted meaning. The examiner does not dispute this. However, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that Kuzma is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the primary reference, Kuzma was used to teach a graphical electronic stamp which can transfer data (i.e., electronic money) over a network via email. Messner discloses a method for redeeming vouchers (gift certificates or coupons) for use in online purchases to include processing transactions. It is respectfully submitted that Messner voucher provides the feature(s) of the applicant's stamp inasmuch to make payments for goods and services (see fig. 7). Messner provides a voucher having a face value, the voucher is a string that is a concatenation of two or more fields including a face value (see Messner, column 6, lines 59+), with at least one of the fields calculated according to a prescription involving a hashing or encryption of a concatenation of others of the fields or of

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some other field not part of the voucher, affixing the stamp an e-mail, and allowing the recipient of the e-mail obtain value for the voucher if the voucher is presented to the predetermined entity the voucher value with the life span on the voucher (see fig. 1B). It was asserted in the previous office action and is again asserted that an artisan of ordinary skill in the art at the time of the invention would substitute the voucher of Messner for the stamp of Kuzma to make payments for electronic goods and services. It was also asserted that an artisan of ordinary skill would recognize the fact that a voucher proves a period of time (or lifespan) through which the voucher is valid and have been familiar with terms of "good until..(date)" and/or "Not Valid after 60 days." Thus it is shown that Kuzma in view of Messner are reasonably pertinent to the applicant's problem based upon the judgment of a person having ordinary skill in the art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Daniel S. Felten



Conferees:

James Kramer



Vincent Millin

